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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,619	10/31/2003	N. Ryan Moss	3052-5698US	9957
24247	7590	09/17/2004	EXAMINER	
TRASK BRITT P.O. BOX 2550 SALT LAKE CITY, UT 84110				LEV, BRUCE ALLEN
		ART UNIT		PAPER NUMBER
		3634		

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/699,619	MOSS ET AL.
	Examiner Bruce A. Lev	Art Unit 3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 31 October 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-41 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-41 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 31 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

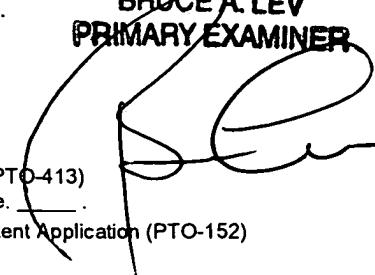
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**BRUCE A. LEV**  
**PRIMARY EXAMINER**



#### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/31/03.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "**are disclosed**", as in line 1.

### ***Claim Rejections - 35 USC § 112***

Claims 4, 16, and 22-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As concerns claim 4, the phrase "further comprising at least one stop member coupled to the first assembly" is vague and indefinite since this limitation has already been set forth in claim 1.

As concerns claims 16 and 40, the phrase "dog-bone shape" is vague and indefinite.

As concerns claim 22, the phrase "the second assembly being longitudinally, slidably coupled with the first assembly" is vague and indefinite since it appears twice in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 22-38 and 41** are rejected under 35 U.S.C. **102(b)** as being anticipated by **Bartnicki 5,067,589**.

**Bartnicki sets forth** a platform assembly comprising a first assembly having a longitudinally extending member; a second assembly having a longitudinally extending member and being slidably coupled with the first assembly; and a catch device 18 associated with the first assembly and having a body portion projecting from a first surface and including a sleeve having shoulder sections/collar and flanges (inclusive of members 124 and 142) and forming an interference fit, wherein the catch extends through an opening in the first member; spacers (inclusive of members 42 and 76); the extending members having a polygonal cross-section including rectangular and being interleaved.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Bartnicki*.

*Bartnicki sets forth* the platform assembly, as advanced above, except for the cross-section of the extending members being I-beam or dog-bone shaped. However, the examiner takes the position that since no engineering advantages have been set forth and since other geometric would work equally as well, it would have merely been a design choice to form the extendible members as having cross-sections as being I-beam or dog-bone shaped.

Claims 1-9, 13, 14, 17, 18, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Bartnicki in view of Salo et al 5,401,315*.

*Bartnicki sets forth* the platform assembly, as advanced above, except for the catch and stop member including pivoting members. However, *Salo et al teach* the use of catch and stop members including pivoting members 27 and 47. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the catch and stop members of Bartnicki by forming them as including pivoting members as taught by Salo et al, in order to provide means to more quickly and easily removably lock the extendible members in a desired length.

Claims 10--12 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Bartnicki in view of Salo et al further in view of Paterson et al 3,790,417*.

***Bartnicki in view of Salo et al set forth*** the platform assembly, as advanced above, except for the extending members formed of composite materials including fiberglass and thermosetting resin. However, ***Paterson et al teach*** the use of extending members formed of composite materials including fiberglass and thermosetting resin. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the extending members of Bartnicki in view of Salo et al by forming them of composite materials including fiberglass and thermosetting resin, as taught by Paterson et al, in order to reduce the weight and increase the strength of the extending members and thereby the platform assembly.

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over ***Bartnicki in view of Salo et al.***

***Bartnicki s in view of Salo et al set forth*** the platform assembly, as advanced above, except for the cross-section of the extending members being I-beam or dog-bone shaped. However, the examiner takes the position that since no engineering advantages have been set forth and since other geometric would work equally as well, it would have merely been a design choice to form the extendible members as having cross-sections as being I-beam or dog-bone shaped.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over ***Bartnicki in view of Salo et al further in view of Taylor 3,765,509.***

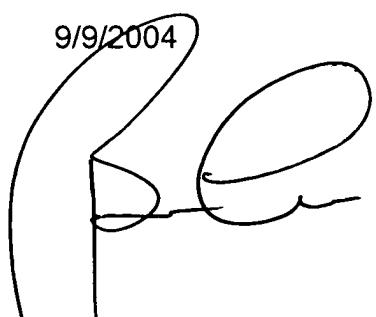
**Bartnicki s in view of Salo et al set forth** the platform assembly, as advanced above, except for the textured surface. However, **Taylor teaches** the use of a textured material upon the surface of a platform assembly. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the surface of at least one of the extending members of Bartnicki in view of Salo et al by including a textured surface, as taught by Taylor, in order to increase the frictional coefficient of the surface and thereby avoid slippage and increase safety.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Lev whose telephone number is (703) 308-7470.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

9/9/2004



**Bruce A. Lev**  
**Primary Examiner**  
**Group 3600**